

1 KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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5 **UNITED STATES BANKRUPTCY COURT**
6 **DISTRICT OF NEVADA**

7 IN RE:
DIVINA AQUINO

8 Debtor(s)

CASE NO: BKS-19-12664-ABL

9 CHAPTER 13

Hearing Date: March 12, 2020

Hearing Time: 1:30 pm

10 ISSO AND HUGHES LAW FIRM
Attorney for the Debtor

11 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN**
12 **#2 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

13 Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
14 bankruptcy case and hereby alleges as follows:

15 **Statement of Facts**

16 The Debtor(s) filed for Chapter 13 relief on 04/30/2019. The Section 341(a) Meeting of Creditors held on
17 November 26, 2019 at 11:00 am was concluded .

18 **Argument**

19 The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
20 pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

22 • Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
23 • Other: Trustee objects to the Debtor paying for daughter's car insurance since she is working
per testimony (Rav4)

1 The Plan fails to provide for all of the Debtor(s)' disposable income pursuant to 11 U.S.C. §1325(a)(3)

2 and (b) based on:

3

4 • Debtor contributes \$1509 per mo to her 401k while paying 0% to general unsecured
5 creditors. 11 U.S.C. sec. 1325(a)(3). Trustee objects to the voluntary retirement contribution as
6 this expense is not permitted during the pendency of the bankruptcy case. Parks v. Drummond,
7 475 B.R. 703 (9th Cir. B.A.P. 2012).

8 Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties

9 pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable

10 delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the

11 following documents and/or amendments:

12

13 • Verification of Childcare and education costs of \$500; verify charitable contribution of \$200..
14 • Amendment to Plan: Section 2.3 is not correct; Section 5.1- clarify treatment of this claim
15 and a Proof of Claim or other order will be required in order for the Trustee to pay this claim. .
16 • Amendment to Schedule J. Current Expenditures of Individual Debtor(s): to remove vehicle
17 payment of \$380 for the 2019 Toyota C-HR unless intent is to pay directly..

18 Finally, Trustee makes the following statements in an effort to maintain a clear record:

19

20 • Compensation of Debtor(s)' attorney requires an independent review by the court. Trustee
21 requests that Debtor(s)' attorney file an application for compensation pursuant to 11 U.S.C.
22 §330.

23 **Conclusion**

24 WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case

17 be dismissed pursuant to 11 U.S.C. §1307(c).

19 Dated: 2/10/20

20 /s/ Kathleen A. Leavitt

21 Kathleen A. Leavitt
22 Chapter 13 Trustee

1 KATHLEEN A. LEAVITT
2 CHAPTER 13 STANDING TRUSTEE
3 711 S 4Th Street
Suite 101
Las Vegas, NV 89101

4 **UNITED STATES BANKRUPTCY COURT**
5 **DISTRICT OF NEVADA**

6 **IN RE:**
7 **DIVINA AQUINO**

CASE NO: BKS-19-12664-ABL
Chapter 13

8
9 **Debtor (s)**

10 **CERTIFICATE OF SERVICE**

11 1. On February 10, 2020, I served the following document(s):

12 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #2 COMBINED WITH**
TRUSTEE'S RECOMMENDATION FOR DISMISSAL

13 2. I served the above-named documents(s) by the following means to the persons

14 as listed below:

15 **United States mail, postage fully prepaid**

16
17 DIVINA AQUINO ISSO AND HUGHES LAW FIRM
9050 W TROPICANA AVE #1136 2470 ST ROSE PKWY #306F
LAS VEGAS, NV 89147 HENDERSON, NV 89074

18
19 **I declare under penalty of perjury that the foregoing is true and correct.**

20 Signed on: 2/10/20

21 /s/ Esther Carr
Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee